

Village of Camillus
Regular Meeting
May 7, 2012

Present: Mayor Patricia J. Butler (absent) Attorney: Robert J. Allan
Trustee Bridget Yule
Trustee James Palumbo
Trustee Ann Eckert
Trustee Timothy Stapleton 15 people in attendance

Deputy Mayor Yule opened the meeting at 7:00 p.m. by leading the "Pledge of Allegiance".

Deputy Mayor Yule presented a report from the Code Enforcement Officer William Reagan of his actions for the last two weeks. Mr. William Cody stated he had sent a letter to the Code Enforcement Officer complaining about the house next to his. This house had been abandoned for about five years. The Clerk explained that these Violation Notices go out three times. The first Violation Notice, a second Notice and the third Notice explains to the owner he will have to go to court and be fined \$250 a day if the violation is not remedied. If the Code Enforcer does not go through this process and does not give the owner enough time to remedy the violation, the judge will through the case out of court. The Clerk stated the Village has a procedure and the complainers have to file a form in writing.

Deputy Mayor Yule asked about the minutes. Upon motion of Trustee Stapleton, seconded by Trustee Palumbo and unanimously approved the minutes of the Public Hearing and Regular Meeting dated April 2, 2012 were approved.

Deputy Mayor Yule stated that the Village Office will be closed May 18, 2012.

Deputy Mayor Yule continued the Public Hearing for 20 Genesee Street at 7:09 p.m. by stating that at the on April 30, 2012 the Village Board held a Special Meeting to discuss the resolution that Attorney Allan had put together. Mr. John Tal addressed the Board with his concerns of this resolution. Attorney Allan went over the changes with Mr. Tal, Mr. Tal's attorney and the trustees and received more clarification and incorporated them into this final resolution. He feels everything is in this resolution. Some of the changes where the employee may only use two parking spaces between the hours of 6:00 a.m. and 10:00 p.m., the restaurant/sandwich shop may serve fresh food to customers, between the hours of 5:00 a.m. and 11:00 p.m. only. Coffee, drinks and pre-made/package foods may be served at all times that the convenience store is open, the food portion of the building may not exceed 1,200 square feet. Another change was the Special Permit could be revoked if the property is transferred from Mr. Tal. They changed that to the Special Permit could be revoked if the property is transferred in 12 months after the Certificate of Occupancy. The Board is reserving the right to review the Special Permit each year.

Deputy Mayor Yule stated this is similar to what was done with Krabby Kirk's Restaurant.

Deputy Mayor Yule opened the meeting up to the public.

PUBLIC COMMENTS

Mr. Schultz asked if the sandwiches will be fresh and will they have ice cream? Deputy Mayor Yule stated Subway will have fresh sandwiches, but there will not be ice cream.

Deputy Mayor Yule thanked the Ad Hoc Committee especially Susan Hines for all her work on this Committee.

Deputy Mayor Yule closed the Public Hearing at 7:17 p.m.

SUNOCO RESOLUTION MAY 7, 2012

BOARD OF TRUSTEES INCORPORATED VILLAGE OF CAMILLUS, NY

In the Matter of the Application of

ROME GAS, INC.

For a Special Permit and Site Plan Approval pursuant to Chapter 110 of the Village of Camillus Code, at premises known as 20 Genesee Street, Camillus, New York, known and designated on the Onondaga County Land and Tax Map as 002.-08-10.0.

NAME OF APPLICANTS: Rome Gas, Inc.

SUBJECT PROPERTY: Tax Map No. 002.-08-10.0

STREET LOCATION: 20 Genesee Street, Camillus, New York

ZONING DISTRICT: Commercial and Village Center Zoning Overlay

RELIEF REQUESTED: Application for a Special Permit and site Plan Approval pursuant to Chapter 110 of the Village of Camillus Code to approve the Special Permit and Site Plan for demolition of an existing 1,600 sq.ft. building and construction of a new 2,370 sq.ft. convenience store building with an attached 495 sq.ft. car wash building. Site construction will include a new separate paved entrance/exit drive onto Newport Road, site grading, paved parking for eleven (11) vehicles, paved and concrete aisle areas, concrete sidewalks, concrete curbing, and other necessary site amenities (utilities, stormwater, landscaping, lighting and etc...), for premises located at 20 Genesee Street, Camillus, New York (known and designated as Tax Map No. 002.-08-10.0) ("Property").

PUBLICATION & POSTING: All in accordance with applicable laws, rules and

regulations.

DATES OF HEARING: June 9, 2011, June 23, 2011, July 14, 2011, December 8, 2011, February 6, 2012, April 2, 2012, April 16, 2012, April 30, 2012 and May 7, 2012.

FINDINGS:

Rome Gas, Inc. ("Applicant") by John Tal, one of its principals appeared before this Board pursuant to Chapter 110 of the Village of Camillus Code seeking site plan approval and a special permit for demolition of an existing 1,600 sq.ft. building and construction of a new 2,370 sq.ft. convenience store building with an attached 495 sq.ft. car wash building. Site construction will include a new separate paved entrance/exit drive onto Newport Road, site grading, paved parking for eleven (11) vehicles, paved and concrete aisle areas, concrete sidewalks, concrete curbing, and other necessary site amenities (utilities, stormwater, landscaping, lighting and etc...) for premises located at 20 Genesee Street, Camillus, New York (known and designated as Tax Map No. 002.-08-10.0) ("Property").

The Board has reviewed the Applicant's submissions and other relevant documentation, which consisted of, among other things, the Village of Camillus Planning/Zoning General Application form dated May 25, 2011, Construction plans of Hawk Engineering P.C. consisting of sheets C100 (existing site plan) dated 5/31/11, C200 (proposed site plan) dated 6/20/11, C201 (site details) dated 5/31/11, C202 (utility details) dated 5/31/11, C203 (storm and erosion control details) dated 5/31/11, C300 (proposed building plan) dated 6/20/11 and L100 (proposed lighting plan) dated 9/22/11., Onondaga County DOT driveway cut permit approval dated 3/8/11 (# 36-10-1) and application for permit, State Environmental Quality Review Full Environmental Assessment Form dated September 6, 2011, existing covenant to run with the land dated 8/19/1970, Onondaga County Planning Board Resolution # Z-11-240, Onondaga County Planning Board Resolution # Z-11-241, Onondaga County Planning Board Resolution # Z-11-428, letter report dated 11/22/11 of Richard Robb, AICP relative to his review of the plans for the proposed project, Hawk Engineering P.C. plans including sheet LP100 (proposed landscape plan) revised / /12, L100 (proposed lighting plan) revised 2/27/12, C100 (existing site plan) revised 2/27/12, C200 (proposed site plan) revised 4/11/12, C201 (site details) revised 2/27/12, C202 (utility details) revised 2/27/12, C203 (storm and erosion details) revised 2/27/12, C300 (proposed building plan) revised 2/27/12, C301 (color site rendering) revised 2/27/12, C302 (color rendering of front elevation) dated 1/31/12 and opinion letter from village engineer, Barton & Loguidice, PC, by Shannon Walters, dated 4/2/12.

The Board of Trustees having abolished the Village Planning Board prior to the within Application, the functions of the Village Planning Board were carried out by the Village Board.

The subject property adjoins a County Highway.

The subject property is improved by a now-abandoned and deteriorating one-story brick and wood building that formerly housed a convenience store and gas station. Same has been vacant and boarded up and unused for more than five years. The existing building is more than 40 years old, having been built in approximately 1970.

Pursuant to General Municipal Law Section 239 The Village Board of Trustees, on June 30, 2011 referred the Site Plan Application to Onondaga County Planning Board for review. On July 20, 2011 Onondaga County Planning Board passed a resolution under Case No. Z-11-240 determining "that said referral will have no significant adverse inter-community or county-wide implications." The resolution also contains five (5) separate comments, each of which has been reviewed by The Board of Trustees.

Pursuant to General Municipal Law Section 239 The Village Board of Trustees, on June 30, 2011 referred the Site Plan Application to Onondaga County Planning Board for review. On July 20, 2011 Onondaga County Planning Board passed a resolution under Case No. Z-11-241 determining "that said referral will have no significant adverse inter-community or county-wide implications." The resolution also contains five (5) separate comments, each of which has been reviewed by The Board of Trustees.

Subsequently, the Applicant submitted its Full Environmental Assessment form dated September 6, 2011. The Board of Trustees again referred the Site Plan with the Environmental Assessment form to the Onondaga County Planning Board. By resolution dated December 14, 2011, Case No. Z-11-428, the Onondaga County Planning Board "recommends the (site plan) application be DISAPPROVED for the following REASON(S): "The site is too small to accommodate the proposed convenience store and carwash, and the uncontrolled access on Genesee Street will compromise highway safety and mobility."

To address some of the concerns raised by the Board of Trustees, the Onondaga County Planning Board and others, applicant has agreed to limit hours of operation of the car wash and the fast food restaurant, has agreed to limitations as to on-site parking by employees, has agreed to change the color of the roof to a copper tone, as well as other suggested modifications.

Based on the evidence adduced at the public hearing(s) duly noticed for and held on June 9, 2011, June 23, 2011, July 14, 2011, December 8, 2011, February 6, 2012, April 2, 2012, and April 16, 2012 at 6:45 p.m., and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

1. The Applicant seeks a seeking site plan approval and a special permit for demolition of an existing 1,600 sq.ft. building and construction of a new 2,370 sq.ft. convenience store building with an attached 495 sq.ft. car wash building. Site construction will include a new separate paved entrance/exit drive onto Newport Road, site grading, paved parking for eleven (11) vehicles, paved and concrete aisle areas, concrete sidewalks, concrete curbing, and other necessary site amenities (utilities, stormwater, landscaping, lighting and etc...) for premises located at 20 Genesee Street, Camillus, New York (known and

designated as Tax Map No. 002.-08-10.0) (“Property”).

2. The proposed use, subject to the conditions imposed by this Board (see RESOLVED paragraphs following), will satisfy and meet the Special Permit Standards of Review contained at §110-11 of the Village Code.

Based upon the above findings and subject to the foregoing conditions, it is hereby determined that the proposed convenience store and car wash, subject to the conditions stated below, is harmonious to the Commercial and Village Center Zoning Overlay Districts, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Permit.

NOW THEREFORE, BE IT RESOLVED the Village of Camillus, for purposes of the proposed action, determines same to be an Unlisted Action pursuant to the New York State Environmental Quality Review Act; as an Unlisted Action, the Board of Trustees elects to act as Lead Agency for purposes of review and to conduct an Uncoordinated Review of same; based on the documentation and testimony submitted and discussions of the Board and review of the criteria under 6 NYCRR §617 et seq., and determining that the project as conditioned under this Special Permit involves no adverse impacts on existing aesthetic appearance, noise, neighborhood character, drainage, sewer or related infrastructure, accordingly issues a Conditional Negative Declaration of Significance in connection with the action (the conditions being as set forth in the following paragraphs as conditions of the Special Permit authorized hereunder); and it is further

RESOLVED, that the Special Permit is Granted and the Special Permit is approved upon and subject to the following findings and conditions which are acknowledged by the Applicant:

- (1) Between the hours of 6:00 a.m. and 10:00 p.m., no employee parking shall be permitted on-site so as to maximize available space for customers, deliveries, etc.
- (2) The required yard setbacks are granted variances in consideration of the screening materials to be constructed.
- (3) There will be no curbed islands at the Newport Road driveway entry and no curbed islands at the Main Street/Genesee Street entry. Two directional signs shall be provided stating ... “NO LEFT TURN” when exiting to Newport Road.
- (4) Car wash may not operate unless all doors are closed, so as to minimize noise. Any audio systems that are used to convey directions, options, etc. shall have volume control capabilities in order to prevent noise complaints from neighbors.
- (5) All garbage and refuse shall be enclosed with high quality vinyl “like wood” fencing in hunter green or forest green color.

(6) Applicant will make a signboard available for the reasonable posting of community and public notices at no charge.

(7) Trash pick-up shall take place during daytime non-peak hours and shall be conducted so as not to create potential noise issues or traffic congestion.

(8) Accumulated snow shall be removed from the site so as to maximize available parking slots. The snow removal shall not interfere with traffic on any public road nor shall snow be allowed to interfere with visibility of traffic at entrances/exits. Snow is not to be stored on any state, county or village property or easements without prior written approval from the appropriate authority.

(9) No fresh food preparation/restaurant shall be allowed except for “fast food” type such as coffee shop, pizza and/or sandwich shop (similar to Subway). The fresh food preparation area/restaurant, including service counter area but not including tables and chairs, if any, for patrons, shall not exceed 1,000.00 square feet.

(10) Hours of Operation. The convenience store and gas station may remain open 24 hours per day.

The car wash may operate between the hours of 7:00 a.m. and 10:00 p.m. only.

The restaurant/sandwich shop may serve fresh food to customers, between the hours of 5:00 a.m. and 11:00 p.m. only. Coffee, drinks and pre-made/package foods may be served at all times that the convenience store is open.

(11) Materials, Finishes and Colors. All buildings, structures and improvements to the premises shall be constructed of materials, finishes and colors as set forth in the application.

(12) Lighting. Lighting shall be installed and operated so as to ensure no violations of any existing code requirements, that there shall be no directed beams at, nor shall any unshielded point source of lighting be visible to or directed toward adjacent residential properties.

(13) Construction/Occupancy. The premises shall be constructed according to stamped architectural plans reviewed by Village Code Enforcement and upon which any building permit shall be issued. Occupancy and use of same shall in all respects be compliant with all New York State and Village codes, rules and regulations.

(14) Conditions Material. Each of these conditions is material to the approval granted by the Village Board. Violations of any of them shall subject the Applicant or its successors to enforcement pursuant to the Village Code, including possible revocation of this Special Permit.

(15) Representations Material. The representations made by Applicant on the record in this

proceeding and as referenced in the conditions herein have been deemed material to this application and have been relied upon by the Village Board in its deliberations and decisions. Said representations are deemed to be part of the conditions of this Special Permit.

(16)Special Permit Term. This Special Permit issued hereunder shall be reviewable , periodically, at least annually, by the Village Board or the Village Planning Board without necessity of a public hearing (although public comment may be solicited by the Village Board). The purpose of the review is to ensure compliance with these conditions and to address inquiries and/or complaints regarding to operation of the store, gas station or car wash, etc.. The then owner of the subject premises shall make a good faith effort to address concerns raised during said reviews.

(17) Violations. Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Code and shall subject the owner or occupant of the premises and premises to those penalties set forth in the Village Code; and it is further

RESOLVED, that this resolution is expressly conditioned upon Applicant herein, i.e. Rome Gas, Inc. acquiring ownership in fee to the subject premises within six (6) months after the date of this approval. For the first twenty four months after the Certificate of Occupancy is issued, this site plan approval and special permit approval shall be personal to Applicant, Rome Gas, Inc. and its principals John Tal and Peter Tal, and thereafter shall run with the land and be binding upon and inure to the benefit of all owners of the subject real property; and it is further

RESOLVED, that upon the acquisition of title to the premises by Rome Gas, Inc., The Village of Camillus shall execute and deliver to Rome Gas, Inc. a Termination, in recordable form, of the existing Covenant to Run with the Land dated August 19, 1970 and recorded in Onondaga County Clerk's Office on October 20, 1970 in Deed Book 2438, page 298; and it is further

RESOLVED, that Applicant must enter into a User Agreement, in proper form, with the Village of Camillus in order to use the Village's Sanitary Sewer System; said agreement shall provide for a one-time payment from Applicant/User to the Village to offset the projected water usage/sewage generation in the form of an inflow/infiltration(I/I) reduction project. The payment shall be \$ 200.00.

Upon motion made by Trustee Palumbo and seconded by Trustee Eckert, the foregoing resolution was put to a roll call, which resulted as follows:

Patricia J. Butler, Mayor	<u>(absent)</u>
Bridget Yule, Trustee	<u>Yes</u>
Timothy Stapleton, Trustee	<u>Yes</u>
James Palumbo, Trustee	<u>Yes</u>
Ann Eckert, Trustee	<u>Yes</u>

Resolution was adopted on May 7, 2012.

Trustee Eckert stated she has her last parade meeting on Thursday. She is not sure what the times are for the carnival. She is looking for people who may want to volunteer to sell tickets. Trustee Eckert stated Lt. Macholl is putting extra police officer on those days.

Trustee Stapleton stated that he has not heard anything good regarding the FEMA flood mapping. FEMA's have moved up their timeline and you have to have your challenges in immediately. He wanted to get a hold of other municipalities on Nine Mile Creek. Trustee Stapleton stated that FEMA has increased the size of the flood plan. It will include many more properties and the cost of the insurance has risen. Trustee Stapleton stated this is "the federal government finding a way to get money from us to pay for Katrina."

Trustee Palumbo stated that from his house back is Zone A and he pays the highest flood insurance rates. He stated that flood insurance does not include the foundation, it includes the structure. The insurance pays nothing unless a flood is declared. If it is just high water then the insurance does not pay anything.

Trustee Stapleton stated he can not determine why they did this change in the flood map as there have been no dramatic changes upstream along Nine Mile Creek.

Deputy Mayor Yule stated she knows Congresswoman Mary Ann Buerkle and if she understands the facts she will send the Congresswoman a note.

Ms. Helen Kiggins, 30 First Street, asked if Trustee Stapleton could bring a copy of the flood map into the Village Hall so everyone can look at it?

Trustee Stapleton stated FEMA set the policy and the Village will have to argue it. Trustee Stapleton stated he will try to negate what FEMA is changing for this area and stop the change. The way he sees it they would have to prove why the change was made. He feels this will be a political argument. Marcellus made a technical argument. We may not need a technical argument because Marcellus already has done this and they are upstream.

Trustee Eckert questioned two vouchers, one from National Pen for \$259.90 for pens. She stated that they just purchased pens. President Brian Raichlin will look into this bill. Also, she questioned the bill from Barton & Loguidice for Rome Gas because Deputy Mayor Yule thought the Board was getting a final written report from Barton & Loguidice.

Ms. Kiggins asked if the Village had a plan for paving. Deputy Mayor Yule stated they will go back to the plan that was prepared last year by Supervisor Mark Pigula and Supervisor Gary Martin. Ms. Kiggins stated Supervisor Pigula made it clear that they would not do any work in the Village until they finish the Town of Camillus roads. She stated there a lot of street in the Village that need to be patched or repaved. Deputy Mayor Yule she will see to it that Mayor Butler and Supervisor Martin review the list to see if any roads have gotten worse and she will have the list at the next meeting.

A discussion was had regarding Camillus Cutlery and if the property had closed. Attorney Allan stated that Mr. Blair's concern is the sewer line that links several house from North Street to the sewer. The sewer line runs through the Cutlery parking lot and there is no easement. Mr. Blair will not close until this matter is resolved and that is what is holding him from closing.

The meeting moved into Executive Session at 7:50 p.m. to discuss fire department personnel matters.

The meeting moved out of Executive Session at 8:19 p.m.

Deputy Mayor Yule stated that this Board is going to continue to table Greg Zacholl's application to the Camillus Fire Department.

APPROVAL OF VOUCHERS

Upon motion of Trustee Palumbo, seconded by Trustee Yule and unanimously approved the Board approved Abstract #08 as follows:

	<u>Abstract #08</u>
General Fund	\$ 19,375.58
Sewer	\$ 24.57
Trust & Agency	\$ 960.50

Except for Voucher # 686 from National Pen for \$259.90 from the General Fund and Voucher #4 from Barton & Loguidice for \$960.50 from Trust and Agency until the Board get further clarification.

Upon motion of Trustee Eckert, seconded by Trustee Yule and unanimously approved the minutes of the March 19, 2012 Regular Meeting were approved.

The meeting adjourned at 8:25 p.m.

Sharon Norcross
Village Clerk/Treasurer